

REMARKS

Claims 1, 2, 4-8, 10-12, 14-18 and 20 remain pending in this application. Claims 1, 7, 11 and 17 are amended. Claims 3, 9, 13 and 19 were previously cancelled. Claims 2, 4-6, 8, 10, 12, 14-16, 18 and 20 remain unchanged.

35 U.S.C. §103

Claims 1-2, 4-6, 11-12 and 14-16 stand rejected under 35 U.S.C. §103 as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Wasilewski (US Pat. No. 5,418,782). Under U.S.C. § 103, the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the references (MPEP § 706.02(j)).

Claim 1 is amended to recite, inter alia, “A method for providing a program guide, the method comprising the steps of...acquiring program guide data from a content provider...locally storing the acquired program guide data...transmitting a subset of the locally stored program guide data to a remote terminal...receiving a request for an update to the subset from the remote terminal, **wherein the update request is generated by the remote terminal in response to a channel change...accessing the locally stored program guide to create the requested update...and transmitting the update to the remote terminal.**” (Emphasis added). Support for the amendment to claim is found at least in Fig. 2 and page 5 of the specification. No new matter is added.

As noted by the examiner, Aristides et al. does not teach “the update request is generated due to a channel change” element of claim 1. Applicants further content that Aristides et al. does not teach the “update request is generated by the remote terminal in response to a channel change...accessing the locally stored program guide to create the requested update...and transmitting the update to the remote terminal” elements of amended claim 1.

The office action proposes that Wasilewski teaches the “update request is generated due to a channel change” element missing in Aristides et al. The office action further appears to propose that col. 8, lines 60-64 disclose generating an update request due to a channel change wherein the update request is a request for retransmission of the virtual service definition. Applicants respectfully disagree. Wasilewski, at column 8, lines 57-60, teaches that the virtual service definition is transmitted in a multiplexed data stream once every cryptocycle. A cryptocycle is defined, in FIG.2 and at col. 5, lines 32-50, as being comprised of eight frames. Therefore the virtual service definition is retransmitted every eight frames in a multiplexed data stream. As a result, Wasilewski merely teaches, at col. 8, lines 60-64, frequently retransmitting the virtual definition every eight frames such that the Wasilewski decoder can quickly acquire an appropriate definition when the subscriber changes channels. Therefore, Wasilewski does not teach or suggest the “update request is generated by the remote terminal in response to a channel change...accessing the locally stored program guide to create the requested update...and transmitting the update to the remote terminal” elements of amended claim 1.

Accordingly, neither Aristides et al. nor Wasilewski, either alone or combined, teach the “update request is generated by the remote terminal in response to a channel change...accessing the locally stored program guide to create the requested update...and transmitting the update to the remote terminal” elements of amended claim 1. Accordingly, it is respectfully proposed that the rejection of amended claim 1 under 35 U.S.C. § 103(a) is overcome in accordance with the above amendment and remarks and notice to that effect is earnestly solicited.

Claims 2 and 4-6 depend from amended claim 1, or depend from claims depending from amended claim 1, should therefore also be allowable for the same reasons, as well as for the additional recitation contained therein. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Independent claim 11 is amended to include elements similar to the elements of amended independent claim 1 and should therefore be allowable for the same reasons discussed above as well as for the additional recitations contained therein. Therefore, it is respectfully proposed that the rejection for anticipation is overcome. Claims 12, 14-16 being dependent on and further limiting independent claim 11, should be allowable for that reason, as well as for the additional recitations contained therein. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Claims 7-8 and 17-18 stand rejected under 35 U.S.C. §103 as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Knowles et al. (US Pat. No. 6,505,348) in further view of Wang (US Pat. No. 6,675,385). Under U.S.C. § 103, the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the references (MPEP § 706.02(j)).

Claim 7 is amended to recite, inter alia, “A method of providing a program guide, the method comprising the steps of... allocating a cache memory for storage of a subset of program guide data... acquiring the subset of program guide data... storing the subset of program guide data in the cache memory... processing the stored subset of program guide data to create a program guide... **receiving a channel change request from a client...requesting a second subset of program guide data in response to the channel change request...receiving the second subset of program guide data...and storing the second subset of program guide data in the cache memory.**” (Emphasis added). Support for the amendment to claim is found at least in Fig. 2 and page 5 of the specification. No new matter is added.

As noted by the examiner, Aristides et al. does not teach “receiving a channel change request from a client; requesting a second subset of program guide data; receiving the second subset set of program guide data.” Applicants further content that

Aristides et al. does not teach the “receiving a channel change request from a client...requesting a second subset of program guide data in response to the channel change request” elements of amended claim 7.

Knowles et al. appears to be directed towards a multiple interactive guide system (col. 1, line 56). Although Knowles et al. appears to teach permitting a user to change channels (col. 4, lines 51-62), Knowles et al. does not appear to teach or suggest the “receiving a channel change request from a client...requesting a second subset of program guide data in response to the channel change request” elements of amended claim 7.

Wang appears to be directed towards the transmission of electronic program guide data in hypertext markup language (HTML) in an MPEG digital television system (col. 1, lines 6-10). Wang, similar to Aristides et al. and Knowles et al., does not appear to teach or suggest the “receiving a channel change request from a client...requesting a second subset of program guide data in response to the channel change request” elements of amended claim 7.

As a result, neither Aristides et al. nor Knowles et al. nor Wang, either alone or combined, teach the “receiving a channel change request from a client...requesting a second subset of program guide data in response to the channel change request” elements of amended claim 7. Accordingly, it is respectfully proposed that the rejection of amended claim 7 under 35 U.S.C. § 103(a) is overcome in accordance with the above amendment and remarks and notice to that effect is earnestly solicited.

Claim 8 being dependent on and further limiting independent claim 7, should be allowable for that reason, as well as for the additional recitations contained therein. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Independent claim 17 is amended to include elements similar to the elements of amended independent claim 7 and should therefore be allowable for the same reasons discussed above as well as for the additional recitations contained therein. Therefore, it is respectfully proposed that the rejection for anticipation is overcome. Claim 18 being dependent on and further limiting independent claim 17, should be allowable for that reason, as well as for the additional recitations contained therein. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

Claims 9 and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Knowles et al. (US Pat. No. 6,505,348) in further view of Wang (US Pat. No. 6,675,385) in further view of Wasilewski (US Pat. No. 5,418,782). Applicants respectfully note that claim 9 and 19 were canceled in the August 6, 2008 Amendment and Response.

Dependent claims 10 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Knowles et al. (US Pat. No. 6,505,348) in further view of Wang (US Pat. No. 6,675,385) in further view of Stoel e al. (US Pat. No. 5,905,942). Claim 10 being dependent on and further limiting amended independent claim 7, should be allowable for that reason, as well as for the additional recitations contained therein. Claim 20 being dependent on and further limiting amended independent claim 17, should be allowable for that reason, as well as for the additional recitations contained therein. Applicants respectfully requests reconsideration of the rejection of the claims in view of the above remarks.

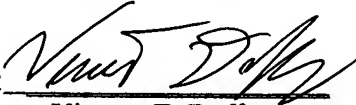
Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (818) 480-5223, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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No fee is believed due other than the fees discussed above. However, if an additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: May 22, 2009

